

Re: Docket Np. TSA-2002-11604; Final Rule - Security Programs for Aircraft  
12,500 Pounds or More.

Dear Sir or Madam,

I am the president of a small on-demand air charter carrier, certificated under 14 CFR 135 (Part 135), similar to many of the companies that will be impacted by the regulations in the above-mentioned docket. I would respectfully like to submit my comments on the rule.

While I support the need for enhanced security within our transportation infrastructure and society as a whole, I am generally concerned that the regulations promulgated pose an undue hardship on my industry and our society. In general, the regulations will greatly inhibit commerce and free access to society with minimal security benefit.

Scope of Regulation: This regulation based on the mandate from Congress in the form of the ATSA was intended to apply to air charter aircraft as defined in Section 40102(a)(13) of title 49, USC. The aircraft described in TSA-2002-11604 are not those aircraft. The TSA should work within its mandate from Congress and not exceed it.

Aircraft Weight: The Docket refers to aircraft of 12,500 pounds or more. Most FAA regulatory changes happen when an aircraft exceeds 12,500 pounds. I encourage the TSA to modify its regulation to match already existing FAA regulations to avoid confusion and an unintended expansion of the scope of the regulation.

Programs and Definitions: I encourage the TSA to provide significantly more guidance as to what is covered and what is expected by this regulation. As of yet, very little information has been forthcoming. This poses a severe problem as the effective date of the regulation is within two months. It is impossible to expect fully-developed and effective security programs to be created and implemented in such a short time period. This encourages the creation of "window-dressing" with no programs that are actually effective.

Applicability: My company operates a "mixed fleet" of aircraft weighing less than, equal to and more than 12,500 pounds. The TSA must make it clear as to which operations are subject to this regulation. Similarly, the TSA must indicate which type of operations are covered. Specifically, are non-commercial operations (owner flights, positioning, training etc.) covered? I recommend that the TSA apply this regulation only to aircraft weighing greater than 12,500 pounds actively operating in air carrier service. Non-commercial operations and the crews of those aircraft should be specifically excluded.

Security Coordinators: It would appear that the TSA will require Aircraft Operator Security Coordinators (AOSC) and Ground Security Coordinators (GSC). These positions are fine for a large scheduled operator but nonsense for a small on-demand operator. As is formally laid out in FAA regulation, the Pilot in Command is responsible for his or her aircraft. It is this individual who should retain this responsibility. In the case of small operators, the transferring of responsibility from the PIC to a lesser trained ground crew will only serve to reduce security and safety as a whole. Similarly, it is impossible to have GSCs at the literally thousands of airports from which my company operates. This is an undue burden on commerce with a minimal enhancement of security.

Weapons: Many of my customers use my services so that they may meet thair particular personal security needs. I oppose any attempt to further regulate the carriage of weapons aboard air charter aircraft as it will provide no increased security (the pilot is aware of the weapons to begin with) and will greatly reduce the appeal and utility of the aircraft.

CHRC: I encourage the TSA to enforce the CHRC requirement in such a way that it does not prohibit or prevent "freelance" flight crews from working for multible operators. Once it is established that an individual is 'safe' to work in our industry, the TSA should not establish a regulation that inhibits their ability to work.

Flight Deck Access: The regulation refers to restricting access to the flight deck. This is unreasonable and unsafe in most aircraft operated by my business. There is no emergency egress from the cockpit except through the cockpit door and no communication with the passengers in the case of emergency. Not only does this situation inhibit safety, it also prevents the flight crew from observing the cabin to monitor for any security threats therein, except when it is too late. It must be noted that the aircraft that I operate, do not carry flight attendants.

Above summarizes my comments on the docket mentioned above. Please feel free to contact me should you have any questions or comments.

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